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In re Application of :  
HAGHIRI, et al. :  
Application No.: 09/926,011 : DECISION ON PETITION  
PCT No.: PCT/EP00/01273 :  
Int. Filing Date: 16 February 2000 : UNDER 37 CFR 1.42  
Priority Date: 17 February 1999 :  
Attorney Docket No.: HAGH3003/JEK :  
For: PORTABLE DATA SUPPORT WITH A :  
REMOVABLE MINI CHIP CARD :

This decision is in response to applicant's "New Submission Under 37 C.F.R. § 1.42 and Request For Reconsideration" filed in United States Patent and Trademark Office (USPTO) on 08 July 2003 and by facsimile on 07 October 2003.

### **BACKGROUND**

On 17 March 2003, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 07 October 2003, applicant filed the present renewed request under 37 CFR 1.42 accompanied by a declaration executed by Touba HAGHIRI, Szahara HAGHIRI, Sina HAGHIRI and Mana HAGHIRI as heirs of the deceased inventor, Yahya HAGHIRI and a petition for a two-month extension of time. In addition, the filing included a stamped postcard showing that the items had originally been filed in the USPTO on 08 July 2003. Applicant's present filing includes the statement that the papers are "true and complete" copies of the papers originally filed 08 July 2003. With the filing of the petition for a two-month extension of time and payment of the extension fee, the response is considered timely filed.

### **DISCUSSION**

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 08 July 2003 is executed by Touba HAGHIRI, Szahara HAGHIRI, Sina HAGHIRI and Mana HAGHIRI as heirs of the deceased inventor, Yahya HAGHIRI and provides the heirs' residence, post office address and country of citizenship. In addition, the declaration provides the residence, post office address and country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 08 July 2003.

**CONCLUSION**

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 16 February 2000 and a date of **08 July 2003** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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